



GSA Office of the Chief Acquisition Officer

GSA Acquisition Alert 2009-04

JUN 24 2009

MEMORANDUM FOR ALL GSA CONTRACTING ACTIVITIES

FROM:

A handwritten signature in cursive script, appearing to read "AI MATERA", is written over the printed name.

AI MATERA

DIRECTOR, OFFICE OF ACQUISITION POLICY  
OFFICE OF THE CHIEF ACQUISITION OFFICER

SUBJECT:

8(a) Business Development Program Blanket Waiver Approval  
under the American Recovery and Reinvestment Act (ARRA) of  
2009

The purpose of this Acquisition Alert is to inform the GSA contracting community about the approved Small Business Administration (SBA) blanket waiver granted to GSA under the 8(a) Business Development (BD) Program. Under the current 8(a) BD Program, contracts below \$5.5 million for contracts assigned manufacturing industry codes and \$3.5 million for all other contracts are typically awarded on a noncompetitive basis and contracts at these thresholds and exceeding these thresholds are awarded through competitive set-asides. However, in accordance with the American Recovery and Reinvestment Act (ARRA) of 2009 (Recovery Act), this blanket waiver revises the acquisition requirements for the 8(a) Small Business Development Program.

As background, the Office of Management and Budget (OMB) Memorandum, M-09-15, dated April 3, 2009, "Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009," states that OMB is allowing SBA to grant under the 8(a) Small Business Development Program a blanket waiver to conduct competitive procurements under the current thresholds stated above. The OMB memorandum states that agencies may request a blanket waiver from the SBA for competitions for construction or information technology (IT) services below the competition thresholds and also request specific waivers (i.e., on a case-by-case basis) for industries other than construction and IT.

On June 9, 2009, SBA granted GSA the blanket waiver for IT, construction and other industries. This blanket waiver applies only to the Public Building Service (PBS) and only for contracts funded by the Recovery Act. The blanket waiver from the SBA specifically requires:

1. The procuring contracting officer to submit its offer letter, except for construction, to the district office serving the geographical area in which the procuring activity is located.
2. For construction requirements, the offering letter should be forwarded to the district office serving the geographical area in which the work is being performed.
3. A copy of the approved blanket waiver letter signed by the Associate Administrator for Office of Business Development must be included in the offering package to the respective district office.
4. 8(a) construction requirements must be competed only among those participants having a bona fide place of business within the geographical boundaries of one or more district offices within the state and nearby areas.
5. All other requirements of Subpart 19.8—Contracting with the Small Business Administration (The 8(a) Program) are still applicable.

In granting this waiver, GSA has committed to the SBA that GSA will continue to support the 8(a) Business Development Program on a sole source basis below the competitive threshold.

Questions concerning this Acquisition Alert should be directed to Ms. Rhonda Cundiff at (202) 501-0044.

Attachment



U.S. SMALL BUSINESS ADMINISTRATION  
WASHINGTON, D.C. 20416

JUN 9 2009

Mr. David Drabkin, Acting  
Chief Acquisition Officer  
U.S. General Services Administration  
1800 F Street, N.W.  
Washington, DC 20405-0002

Dear Mr. Drabkin:

This is in response to your request for approval of a blanket waiver to conduct competitive procurements under the current thresholds of \$5.5 million for contracts assigned to manufacturing industry codes and \$3.5 million for all other contracts. The U.S. General Services Administration (GSA) is requesting a blanket waiver for construction and information technology services. Additionally, GSA is requesting a blanket waiver for all other supplies and services to be procured under the Recovery Act.

A firm-fixed price contract is anticipated. The North American Industry Classification System (NAICS) codes applicable to this request, as identified in GSA's letter dated May 18, 2008, will apply. The applicable dollar threshold could reach \$29,000,000. The number of contract awards is not known. The period of performance is effective immediately upon offer and acceptance of these requirements into the 8(a) Business Development (BD) Program by the respective district offices.

Your request for a blanket waiver is being approved pursuant to the American Recovery and Reinvestment Act of 2009. The U.S. Small Business Administration (SBA) has reserved this authority solely "for contracts funded by the Recovery Act, for competition for construction and information technology services below the competition thresholds and those requests on a case-by-case basis for industries other than construction and information. Because GSA buys on behalf of the entire Federal Government, the request for a blanket waiver for all other supplies and services is being approved under this authority as well.

As stated, GSA intends to award construction projects, information technology and supplies and services, on behalf of the Federal Government, under SBA's 8(a) Business Development Program. As such, the procuring agency's contracting officer should submit its offer letter, except for construction, to the district office serving the geographical area in which the procuring activity is located. For purposes of all construction requirements, the offer letter should be forwarded to the district office serving the geographical area in which the work is to be performed. The SBA district office will provide an acceptance letter. While the competition threshold for these requirements is being waived under the authority of the American Recovery and



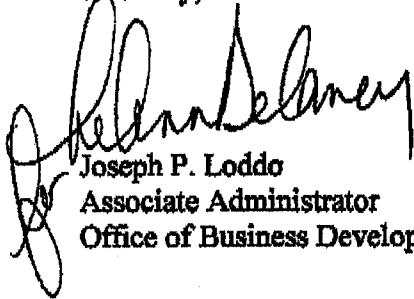
Mr. Drabkin  
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Reinvestment Act of 2009, 8(a) construction requirements are to be competed only among those participants having a bona fide place of business within the geographical boundaries of one or more district offices within the state and nearby areas. A copy of this letter signed by the Associate Administrator for Office of Business Development should be included in the offering package to the respective district office.

Should you have any further questions regarding this procurement, please contact Carol L. Thompson, Director, Office of Management and Technical Assistance at 202-619-1624.

Thank you for your continued support of the 8(a) Business Development Program.

Sincerely,



Joseph P. Loddo  
Associate Administrator  
Office of Business Development